

# EXHIBIT 8

SSC Defendants' Privilege  
Log for Prior Production  
(to which the PSC did not object)

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

IN RE NEW ENGLAND COMPOUNDING )  
PHARMACY, INC. PRODUCTS LIABILITY )  
LITIGATION )  
\_\_\_\_\_ )

MDL No. 2419  
Dkt. No 1:13-md-2419 (RWZ)

THIS DOCUMENT RELATES TO: )  
 )  
Suits Naming Specialty Surgery Center, PLLC )  
\_\_\_\_\_ )

**SSC DEFENDANTS' PRIVILEGE LOG FOR RESPONSES TO PSC'S  
2<sup>ND</sup> SET OF REQUESTS FOR PRODUCTION OF DOCUMENTS**

Defendants Specialty Surgery Center, Crossville, PLLC ("SSC"), Kenneth R. Lister, MD ("Dr. Lister"), and Kenneth Lister, MD, PC ("Dr. Lister's Practice") (collectively, "SSC Defendants") submit the following privilege log for their responses to the PSC's 2<sup>nd</sup> Set of Requests for Production of Documents.

Consistent with the agreement of the parties, this privilege log (1) specifically identifies any emails between SSC and counsel regarding SSC's formulary from September 18, 2012 to December 31, 2014 (Table 1), (2) identifies the number of emails involving counsel withheld and the senders/recipients of those emails (Table 2), and (3) identifies the privilege applicable to information redacted from the production by Bates-numbered page (Table 3).

Table 1 identifies communications with counsel related to the formulary. It also identifies one additional email withheld that is covered by the Quality Improvement Privilege.

<b>TABLE 1</b>			
<b>Date</b>	<b>Sender</b>	<b>Recipients</b>	<b>Privilege // Explanation</b>
4/1/13	Matt Cline	Kim Bowlin, Jean Atkinson, George Wood (GCE employee)	Attorney-Client Privilege; Work Product // Does not specifically reference formulary, approved medication list, or updating/changing policies and procedures but references internal policies and procedures.
10/21/13	Matt Cline	Jon Simpson, MD, Dr. Lister, Chris Tardio, Nikki Williams (GCE employee)	Attorney-Client Privilege; Work Product // Does not specifically reference formulary, approved medication list, or updating/changing policies and procedures but references internal policies and procedures.
10/12/12	Matt Cline	Dr. Lister, Jean Atkinson, Kim Bowlin, Chris Tardio, Cindy Alexander (GCE employee)	Attorney-Client Privilege; Work Product // Does not specifically reference formulary, approved medication list, or updating/changing policies and procedures but references internal policies and procedures.
12/18/12	Bo McDaniel	Jean Atkinson, Kim Bowlin	Peer Review; Quality Improvement Privilege // Email exchange with outside anesthesia group regarding anesthesia provider to conduct peer review of charts of three SSC patients who expired during meningitis outbreak.

Table 2 identifies emails withheld on the basis of attorney-client privilege, work product, common-interest/joint defense, or the insurer-insured privileges. All emails withheld are either with counsel or conveying information or advice obtained directly from counsel (as explained where applicable). The following abbreviations apply to Table 2:

Kim Bowlin – “Bowlin” – SSC Administrator  
 Jean Atkinson – “Atkinson” – SSC Employee  
 LEEANNE Sietsema – “Sietsema” – SSC Employee  
 Diane Austin – “Austin” – SSC Employee  
 Donathan Ivey – “Ivey” – SSC Executive Committee Member  
 Jon Simpson – “Simpson” – SSC Executive Committee Member  
 Kenneth Lister – “Lister” – SSC Executive Committee Member and Defendant  
 Mark Fox – “Fox” – SSC Executive Committee Member  
 Mark Lee – “Lee” – SSC Executive Committee Member  
 Robert Nichols – “Nichols” – SSC Executive Committee Member  
 Susan Pick – “Pick” – SSC Executive Committee Member  
 Brandon Kowarsky – “Kowarsky” – Calisher & Associates Employee  
 Gina Calisher – “G. Calisher” – Calisher & Associates Employee  
 Ron Calisher – “R. Calisher” – Calisher & Associates Employee  
 Kevin Calisher – “K. Calisher” – Calisher & Associates Employee  
 Jim Howell – “Howell” – SVMIC Attorney  
 Jim Trimbach – “Trimbach” – SVMIC Attorney  
 Ken Rucker – “Rucker” – SVMIC Attorney  
 Jeff Woods – “Woods” – SVMIC Attorney  
 Greg Lanford – “Lanford” – Howell Allen/STOPNC  
 Scott Butler – “Butler” – Howell Allen/STOPNC  
 John Culclasure – “Culclasure” – Howell Allen/STOPNC and Defendant.  
 Debra Schamberg – “Schamberg” – Howell Allen/STOPNC and Defendant  
 Donald Jones – “Jones” – Defendant  
 Joy Day – “Day” – Dr. Jones’ Office Manager  
 Gideon Cooper & Essary – “GCE”  
 Brewer, Krause, Brooks & Chastain – “BKBC”  
 Dale Batchelor - “Batchelor” – STOPNC Board Member  
 Craig Polkow - “Polkow” – STOPNC Board Member  
 Dawn Rudolph – “Rudolph” – STOPNC Board Member  
 Berry Holt - “Holt” – Saint Thomas Attorney  
 Peter Strianse – “Strianse” – STOPNC, SSC, and Jones’ Attorney  
 Paul Hoffmann – “Hoffmann” – Chattanooga Neurosurgery and Spine<sup>1</sup>  
 Katalin Van Over – “Van Over” – Representative of SSC’s third-party IT vendor, ProLogic IT.  
 Company Engineers Group – This appears to be a group of engineers at ProLogic IT.

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<sup>1</sup> This entity received a subpoena from the PSC. GCE filed a motion to quash on its behalf, which was granted by Magistrate Boal.

**TABLE 2**

<b>Sender</b>	<b>Recipient(s)</b>	<b>No. of emails</b>
GCE	Ivey, Lister	9
GCE	Simpson, Lister, Atkinson	3
BKBC	Simpson	5
GCE	Pick, Nichols, Ivey, Lister, Fox, Simpson and Lee	3
GCE	Simpson, Lister	3
Ivey	GCE, Lister, Sietsema	3
Lister	GCE	9
GCE	Ivey, Lister, Sietsema	6
Simpson	BKBC	2
Simpson	GCE	2
GCE	Simpson	3
Lanford	GCE, Trimbach, Rucker, Butler, Schamberg, Culclasure, Lister, Simpson, Lee, Ivey, Pick, Fox, Atkinson	1
GCE	Trimbach, Rucker, Lanford, Butler, Schamberg, Culclasure, Lister, Simpson, Lee, Ivey, Pick, Jones, Atkinson	1
GCE	Nichols	1
Nichols	GCE	1
Fox	GCE	1
Ivey	BKBC	1
BKBC	Simpson, Fox, Ivey, Nichols	1
BKBC	Fox	5
GCE	Lister, Simpson, Ivey, Atkinson	9
Simpson	Simpson – Forwarded email from GCE	2
GCE	Ivey, Lister, Simpson	3
Ivey	GCE, Howell, Trimbach, Rucker, Woods, Lanford, Butler, Culclasure, Schamberg, Jones, Pick, Nichols, Lister, Fox, Simpson, Lee	1
GCE	Sietsema, Simpson, Lister	1
Culclasure	GCE, Lanford, Butler, Schamberg, Jones, Pick, Nichols, Ivey, Lister, Fox, Simpson, Lee, Howell, Rucker	1
GCE	Ivey	4
Ivey	GCE	2
GCE	Ivey, Lister	1
Ivey	GCE, Pick, Simpson, Lee, Lister, Nichols	1
GCE	Pick, Simpson, Lee, Ivey, Lister, Nichols	1
GCE	Fox	2
GCE	G. Calisher, Bowlin, Simpson	2

Ivey	Lister, GCE	2
Sietsema	Ivey, Lister, GCE	2
Ivey	GCE, Lister, Sietsema	1
GCE	Lister	1
GCE	Lanford, Trimbach, Rucker, Butler, Schamberg, Culclasure, Lister, Simpson, Lee, Ivey, Pick, Fox, Jones, Atkinson	1
Lanford	GCE, Trimbach, Rucker, Butler, Schamberg, Culclasure, Lister, Simpson, Lee, Ivey, Pick, Fox, Jones, Atkinson	1
GCE	Lister, Ivey, Simpson	2
Ivey	GCE, Atkinson, Lister, Simpson	3
Bowlin	GCE, Woods, Ivey, Simpson, Lister, Fox, Nichols, Pick	5
Bowlin	Ivey, Simpson, Lister, Fox, Lee, Nichols, Pick, Kowarsky, G. Calisher, R. Calisher, K. Calisher - Forwarded email from GCE	3
Bowlin	Ivey, Simpson, Lister, Fox, Lee, Nichols, Pick, Kowarsky, G. Calisher, K. Calisher, R. Calisher, GCE, Woods	11
Bowlin	GCE, Woods, Ivey, Simpson, Lister, Fox, Lee, Nichols, Pick, Kowarsky, G. Calisher, K. Calisher, R. Calisher, Atkinson	4
Bowlin	GCE, G. Calisher, Simpson	1
Bowlin	GCE, Ivey, Simpson, Lister, Fox, Lee, Nichols, Pick, Kowarsky, G. Calisher, K. Calisher, R. Calisher	3
GCE	Howell, Trimbach, Woods, Rucker, Jones, Lister, Lanford, Butler, Day, Bowlin, Batchelor, Polkow, Holt	13
Bowlin	Atkinson, Ivey, Simpson, Lister, Fox, Lee, Nichols, Pick, Kowarsky, G. Calisher, K. Calisher, R. Calisher - Forwarded email from GCE	21
GCE	Howell, Trimbach, Woods, Rucker, Jones, Lister, Butler, Day, Bowlin, Holt	2
GCE	Howell, Trimbach, Woods, Rucker, Jones, Lister, Lanford, Butler, Day, Bowlin	6
GCE	Howell, Trimbach, Woods, Rucker, Jones, Lister, Lanford, Butler, Day	1
Bowlin	GCE, Woods, Ivey, Simpson, Lister, Fox, Lee, Nichols, Pick, Kowarsky, G. Calisher, K. Calisher, R. Calisher, Atkinson	1
Bowlin	Ivey, Simpson, Lister, Fox, Lee, Nichols, Pick, Kowarsky, G. Calisher, K. Calisher, R. Calisher, Woods, GCE	3
Bowlin	Ivey, Simpson, Lister, Fox, Lee, Nichols, Pick, Kowarsky, R. Calisher, K. Calisher, G. Calisher – forwarding email from GCE	1

GCE	Bowlin, Howell	4
GCE	Lanford, Butler, Schamberg, Jones, Pick, Nichols, Ivey, Lister, Fox, Simpson, Lee	3
GCE	Lanford, Butler, Culclasure, Schamberg, Jones, Pick, Nichols, Ivey, Lister, Fox, Simpson, Lee, Howell, Rucker	1
GCE	Howell, Rucker, Trimbach, Woods, Butler, Lister, Simpson, Ivey, Schamberg, Culclasure	6
GCE	Lanford, Butler, Schamberg, Jones, Pick, Nichols, Ivey, Lister, Fox, Simpson, Lee, Howell, Rucker, Trimbach, Woods	10
GCE	Trimbach, Rucker, Lanford, Butler, Schamberg, Lister, Simpson, Lee, Ivey, Pick, Jones, Atkinson	1
GCE	Howell, Trimbach, Rucker, Woods, Lanford, Butler, Culclasure, Schamberg, Jones, Nichols, Ivey, Lister, Fox, Simpson, Lee	20
GCE	Lanford, Butler, Culclasure, Schamberg, Jones, Pick, Nichols, Ivey, Lister, Fox, Simpson, Lee, Howell, Rucker, Trimbach, Woods,	1
GCE	Lister, Ivey, Simpson	1
GCE	Howell, Trimbach, Woods, Rucker, Jones, Lister, Lanford, Butler, Day, Bowlin	1
GCE	Ivey, Howell, Trimbach, Rucker, Woods, Lanford, Butler, Culclasure, Schamberg, Jones, Pick, Nichols, Lister, Fox, Simpson, Lee	1
GCE	Howell, Rucker, Woods, Trimbach, Lanford, Butler, Lister, Simpson, Ivey	2
GCE	Bowlin, Woods, Ivey, Simpson, Lister, Fox, Lee, Nichols, Pick, Kowarsky, R. Calisher, G. Calisher, K. Calisher, Atkinson	2
Bowlin	GCE, Woods, Ivey, Simpson, Lister, Fox, Lee, Nichols, Pick, Kowarsky, G. Calisher, K. Calisher, R. Calisher, Atkinson	3
GCE	Howell, Rucker, Trimbach, Woods, Butler, Lanford, Culclasure, Schamberg, Lister, Ivey, Simpson, Fox, Pick, Nichols, Lee, Jones	1
GCE	Howell, Trimbach, Rucker, Woods, Lanford, Butler, Culclasure, Schamberg, Jones, Pick, Nichols, Ivey, Lister, Simpson, Lee	1
GCE	Lanford, Butler, Culclasure, Schamberg, Jones, Nichols, Ivey, Lister, Fox, Simpson, Lee, Howell, Rucker, Trimbach, Woods	1
GCE	Lanford, Butler, Culclasure, Schamberg, Jones, Pick, Nichols, Ivey, Lister, Fox, Simpson, Lee, Howell, Rucker	1
GCE	Lanford, Butler, Culclasure, Schamberg, Jones, Pick, Nichols, Ivey, Lister, Fox, Simpson, Lee, Howell, Rucker, Trimbach	1

Culclasure	GCE, Trimbach, Rucker, Lanford, Butler, Schamberg, Lister, Simpson, Lee, Ivey, Pick, Fox, Jones, Atkinson	1
BKBC	Fox	15
GCE	Howell, Trimbach, Woods, Rucker, Jones, Lister, Lanford, Butler, Rudolph, Polkow, Holt	6
GCE	Bowlin, Lister, Atkinson, Austin, Strianse	1
Jones	GCE, Lanford, Butler, Lister, Howell, Rucker, Trimbach, Woods	1
GCE	Lister	20
Bowlin	Lister – Forwarded email from GCE	2
GCE	Howell, Trimbach, Woods, Rucker, Jones, Lister, Lanford, Butler, Batchelor, Polkow, Holt, Bowlin, Atkinson, Schamberg	3
GCE	Howell, Trimbach, Woods, Rucker, Jones, Lister, Lanford, Butler, Schamberg, Culclasure	5
GCE	Howell, Trimbach, Woods, Rucker, Lister, Lanford, Butler, Schamberg, Culclasure, Atkinson	1
Atkinson	GCE, Bowlin, Lister	1
GCE	Culclasure, Atkinson, Lister, Lanford, Strianse	2
GCE	Bowlin, Jones, Lister	3
Bowlin	Lister, Kowarsky, G. Calisher, K. Calisher, R. Calisher – Forwarded email from GCE	1
Lee	Ivey, Simpson, Lister, Fox, Nichols, Pick, Kowarsky, G. Calisher, R. Calisher, K. Calisher, GCE, Woods	1
Bowlin	GCE, Woods, Ivey, Simpson, Lister, Fox, Nichols, Pick, Lee	1
GCE	Howell, Trimbach, Woods, Rucker, Jones, Lister, Lanford, Butler	8
GCE	Butler, Culclasure, Lanford, Lister, Schamberg	1
Holt	Howell, Trimbach, Woods, Rucker, Jones, Lister, Lanford, Butler, Day, Bowlin, Batchelor, Polkow, GCE	1
GCE	Howell, Trimbach, Woods, Rucker, Jones, Lister, Lanford, Butler, Day, Bowlin, Batchelor, Polkow, Holt	9
GCE	Lister, Bowlin, Jones, Schamberg, Butler, Lanford, Batchelor, Polkow, Culclasure, Holt	3
GCE	Butler, Lanford, Lister, Jones, Hoffmann, Howell, Rucker, Trimbach, Woods	3
GCE	Bowlin, Ivey, Simpson, Lister, Fox, Lee, Nichols, Pick, Kowarsky, G. Calisher, R. Calisher, Woods	1
GCE	Howell, Trimbach, Woods, Rucker, Culclasure, Lister, Lanford, Butler	1
GCE	Howell, Trimbach, Woods, Rucker, Lanford, Butler, Batchelor, Polkow, Holt, Bowlin, Jones, Lister	2
GCE	Howell, Trimbach, Woods, Rucker, Lanford, Butler, Batchelor, Polkow, Holt, Bowlin, Jones, Lister, Day	2



Bowlin	Atkinson, Kowarsky, G. Calisher, K. Calisher, R. Calisher – Forwarded email from GCE	3
Atkinson	GCE, Bowlin	1
Bowlin	Atkinson, G. Calisher – Forwarded email from GCE	1
Bowlin	Kowarsky, G. Calisher, R. Calisher, K. Calisher – Forwarded email from GCE	1
Bowlin	GCE	17
Bowlin	G. Calisher – Forwarded email from GCE	2
Bowlin	Lister, Atkinson – Forwarded email from GCE	1
Atkinson	GCE	4
GCE	Atkinson	3
GCE	Lister, Atkinson, Bowlin	5
GCE	Atkinson, Lister	8
GCE	Bowlin	26
GCE	Bowlin, Atkinson, G. Calisher	5
GCE	Bowlin, Lister	7
GCE	Bowlin, Atkinson	3
Atkinson	Bowlin, G. Calisher – Forwarded email from GCE	2
Bowlin	Nichols – Conveying substance of phone call with GCE on state of TN law on product liability.	1
GCE	Lanford, Butler, Polkow, Batchelor, Howell, Trimbach, Woods, Rucker, Holt	1
Bowlin	GCE, Kowarsky, G. Calisher, R. Calisher, K. Calisher	1
GCE	Bowlin, Kowarsky, G. Calisher, R. Calisher, K. Calisher	1
GCE	Atkinson, Sietsema	1
GCE	Howell, Woods, Trimbach, Rucker, Lanford, Butler	1
Bowlin	GCE, Woods	1
GCE	Howell, Woods, Trimbach, Rucker, Bowlin	1
GCE	Van Over, Bowlin, G. Calisher	1
Van Over	GCE, Bowlin, G. Calisher	1
Bowlin	Van Over, G. Calisher, R. Calisher, K. Calisher, Kowarsky – Forwarded email from GCE and conveying substance of phone call with GCE.	1
Van Over	Bowlin, G. Calisher, R. Calisher, K. Calisher, Kowarsky, Company Engineers Group – Responding to forwarded email from GCE.	1

Finally, Table 3 identifies (1) the Bates-numbered pages or electronic file names (which were produced without Bates numbers) that contain redactions, (2) the privilege(s) applicable to each redacted page, and (3) a description of the redacted information.

**TABLE 3**

Description of Information Redacted	Privilege Asserted	Page Numbers
<p>Information in staff, board, and executive committee meeting minutes pertaining to activities undertaken as part of Continuous Quality Improvement program, including nursing chart audits and corrective action; patient satisfaction survey results; investigations of equipment malfunctions affecting patient care and corrective actions and corrective action; coding/billing audits and corrective actions recommended by Calisher &amp; Associates; procedure cancellations and delays and corrective actions; results of pharmaceutical audit from pharmacist Tommy Arms; medication errors and corrective actions; patient incidents not involving physician conduct and corrective action (e.g., patient falls); periodic review of facility by Jean Atkinson or Calisher &amp; Associates and corrective action (e.g. ensuring shelving in storage room is appropriate height above floor as required by applicable regulations, overall workflow and efficiency of facility, etc.); results of licensing and accreditation surveys and corrective action; HIPAA</p>	<p>Quality Improvement Privilege, Tenn. Code Ann. § 68-11-272</p>	<p>Bates Numbered Pages:</p> <p>SSC-6028, 6053, 6056, 6058, 6059, 6060, 6071, 6072, 6073, 6076, 6077, 6080, 6082, 6083, 6084, 6085, 6104, 6105, 6106, 6107, 6108, 6112, 6113, 6114, 6115, 6118, 6119, 6123, 6124, 6125, 6140, 6142, 6144, 6145, 6147, 6150, 6151, 6152, 6153, 6159, 6160, 6161, 6162, 6163, 6164, 6165, 6169, 6170, 6174, 6175, 6177, 6178, 6179, 6180, 6185, 6186, 6187, 6188, 6189, 6190, 6191, 6192, 6202, 6203, 6204, 6207, 6209, 6210, 6211, 6215, 6216, 6217, 6218, 6219, 6220, 6221, 6222, 6223, 6224, 6228, 6261, 6262, 6263, 6266, 6267, 6294, 6295, 6296, 6297, 6301, 6302, 6328, 6342, 6343, 6345, 6346, 6352, 6353, 6355, 6360, 6361, 6363, 6364, 6365, 6366, 6367, 6368, 6370, 6371, 6373, 6387, 6437, 6443, 6444, 6446, 6449, 6450, 6451, 6452, 6453, 6454, 6455, 6458, 6460, 6462, 6465, 6467, 6468, 6469, 6487, 6489, 6490, 6491, 6508, 6509, 6510, 6511, 6512, 6519, 6521, 6522, 6523, 6535, 6537, 6540, 6541, 6544, 6545, 6551, 6552, 6553, 6569, 6572, 6573, 6574, 6575, 6580, 6586, 6587, 6588, 6591, 6599, 6600, 6601, 6633, 6639, 6645, 6648, 6652-6653, 6681, 6682, 6683, 6685, 6688, 6694, 6695, 6697, 6698, 6699, 6701, 6702, 6708, 6709, 6713, 6714, 6715, 6716, 6718, 6719, 6720, 6722, 6723, 6724, 6725, 6726, 6727, 6731, 6732, 6733, 6734, 6735, 6736, 6737, 6738, 6739, 6747, 6752, 6753, 6754, 6755, 6756, 6757, 6758, 6762, 6763,</p>

incidents, investigations, and corrective action.		<p>6764, 6767, 6769, 6770, 6771, 6772, 6773, 6774, 6775, 6776, 6783, 6784, 6785, 6786, 6789, 6790, 6791, 6792, 6793, 6794, 6797, 6798, 6799, 6804, 6805, 6806, 6807, 6811, 6812, 6813, 6816, 6817, 6818, 6822, 6823, 6828, 6829, 6832, 6833, 6837, 6838, 6840, 6841, 6842, 6844, 6847, 6848, 6849, 6852, 6853, 6857, 6858, 6859, 6860, 6863, 6864, 6865, 6866, 6870, 6871, 6872, 6877, 6879, 6880, 6881, 6887, 6888, 6891, 6892, 6893, 6895, 6896, 6902, 6903, 6905, 6948-6956, 6968-6976, 7032, 7034, 7036, 7051-7053, 7060-7061, 7143-7146, 7172-7174, 7218, 7231, 7252-7253, 7298-7299, 7301, 7320-7321, 7327, 7330, 7409, 7431, 7433-7435, 7466, 7469, 7473, 7474, 7483, 7492-7493, 7496</p> <p>Electronic Files:</p> <p>Special Staff Meeting Controlled Substances, Staff Meeting Front Desk April 2008, Staff Meeting April 2008, Staff Meeting April 2008 (2), Staff Meeting August 25, 2010, Staff Meeting December 2009, Staff Meeting January 13, 2010, Staff Meeting January 2010, Staff Meeting March 2008, Staff Meeting 10-30-09, Staff Meeting April 2011, Staff Meeting August 2011, Staff Meeting July 28, 2010, Staff Meeting June 12th 2008, Staff Meeting June 12th, Staff Meeting June 23, 2010, Staff Meeting JUNE 2011, Staff Meeting March 30, 2010, Staff Meeting Mach 2007, Staff meeting March 2011, Staff meeting November 13, 2007, Staff Meeting November 2007, Staff Meeting November 2009, Staff Meeting November 2011, Staff Meeting TOSHA Citation 2007, Staff Meeting August 2007doc, Policy &amp; Procedure Changes2009, Policy &amp; Procedure Changes2009 (2), Policy &amp; Procedure Changes2010, Policy &amp; Procedure Changes2010 (2), Policy &amp; Procedure Changes2007, Policy &amp; Procedure</p>
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		Changes2007 (2), Policy & Procedure Changes2006, Policy & Procedure Changes2006 (2)
Information in board and executive committee meeting minutes pertaining to activities undertaken as part of Continuous Quality Improvement program specifically related to physician conduct, competency, and ability to practice medicine, including the results of physicians' review of medical records for randomly-selected patients of other SSC physicians; incidents that occurred during procedures, investigations, and corrective action (e.g., hypoxic events, allergic reactions, etc.); reports of post-operative infections, investigation, and corrective action; reports of post-operative admissions, investigation, and corrective action; sentinel event reports; root cause analyses; reports of surgical delays caused by physicians and corrective action; grant and revocation of privileges at SSC; credentialing; coding/billing audits and corrective actions recommended by Calisher & Associates; and an issue involving diversion of controlled substances by a physician who left SSC several years before the outbreak and his subsequent enrollment	Quality Improvement Privilege, Tenn. Code Ann. § 68-11-272; Peer Review Privilege Tenn. Code Ann. § 63-6-219	<p>Bates Numbered Pages:</p> <p>SSC-6058, 6059, 6060, 6061, 6062, 6063, 6064, 6065, 6068, 6069, 6070, 6083, 6084, 6086, 6087, 6105, 6106, 6107, 6109, 6110, 6119, 6120, 6121, 6122, 6123, 6124, 6126, 6127, 6128, 6129, 6130, 6131, 6132, 6133, 6134, 6135, 6136, 6137, 6138, 6139, 6141, 6142, 6143, 6147, 6148, 6149, 6158, 6161, 6162, 6163, 6164, 6165, 6167, 6168, 6175, 6176, 6178, 6188, 6189, 6194, 6195, 6196, 6204, 6205, 6206, 6215, 6217, 6219, 6223, 6224, 6228, 6229, 6234, 6261, 6262, 6263, 6268, 6269, 6293, 6294, 6295, 6296, 6298, 6299, 6300, 6328, 6330, 6344, 6345, 6355, 6356, 6361, 6363, 6364, 6368, 6369, 6370, 6371, 6374, 6375, 6377, 6378, 6380, 6387, 6400, 6401, 6402, 6437, 6444, 6449, 6450, 6451, 6467, 6468, 6469, 6490, 6491, 6494, 6522, 6523, 6539, 6541, 6543, 6544, 6545, 6546, 6551, 6553, 6572, 6573, 6574, 6578, 6579, 6586, 6587, 6588, 6590, 6599, 6604, 6634, 6635, 6638, 6644, 6645, 6681, 6682, 6683, 6688, 6689, 6690, 6691, 6693, 6695, 6697, 6698, 6701, 6702, 6706, 6709, 6710, 6716, 6717, 6718, 6719, 6720, 6722, 6723, 6727, 6732, 6732, 6733, 6734, 6748, 6751, 6753, 6756, 6771, 6772, 6773, 6774, 6775, 6776, 6785, 6793, 6794, 6799, 6805, 6806, 6807, 6812, 6813, 6818, 6819, 6828, 6829, 6832, 6833, 6837, 6838, 6841, 6842, 6848, 6849, 6851, 6852, 6853, 6857, 6858, 6860, 6865, 6866, 6868, 6870, 6871, 6872, 6876, 6877, 6879, 6880, 6881, 6888, 6892, 6893, 6895, 6896, 6897, 6898, 6901, 6902, 6903, 6905, 6906</p>

in a Tennessee Medical Foundation program for substance abuse.		<p>Electronic Files:</p> <p>Policy &amp; Procedure Changes2006, Policy &amp; Procedure Changes2006 (2), Policy &amp; Procedure Changes2007, Policy &amp; Procedure Changes2007 (2), Policy &amp; Procedure Changes2005, Policy &amp; Procedure Changes2005 (2)</p>
Sensitive and irrelevant financial information	Financial Information	<p>Bates Numbered Pages:</p> <p>SSC-7751, 7754, 7757, 7623, 7626, 7630, 7633, 7636, 7640, 7643, 7646, 7652, 7655, 7658, 7661, 7664, 7798-99, 5978, 5996, 6001, 6014, 6015, 6023, 6024, 6025, 6026, 6027, 6029, 6037, 6038, 6040, 6041, 6042, 6047, 6048, 6066, 6067, 6111, 6146, 6154, 6166, 6181, 6193, 6198, 6199, 6208, 6220, 6226, 6227, 6228, 6233, 6234, 6235-6239, 6241, 6246-6260, 6263, 6264, 6265, 6292, 6303, 6304, 6305, 6306, 6313, 6317, 6318, 6319, 6322, 6324, 6326, 6327, 6328, 6337, 6351, 6352, 6353, 6354, 6357, 6377, 6378, 6379, 6381, 6385, 6387, 6389, 6390, 6403, 6404, 6405, 6406, 6407, 6408, 6409, 6410, 6411, 6412, 6413, 6414, 6415, 6416, 6417, 6418, 6419, 6420, 6421, 6422, 6423, 6426, 6427, 6428, 6429, 6435, 6436, 6437, 6442, 6443, 6448, 6464, 6465, 6466, 6468, 6470, 6471, 6472, 6473, 6478, 6479, 6480, 6487, 6488, 6505, 6506, 6507, 6513-6517, 6520, 6522, 6523, 6524, 6525, 6532, 6533, 6534, 6541, 6542, 6549, 6550, 6557, 6558, 6559, 6560, 6561, 6562, 6564, 6568, 6569, 6570, 6573, 6577, 6584, 6585, 6596, 6598, 6603, 6632, 6649, 6657-6658, 6661, 6662, 6665, 6668, 6670, 6679, 6680, 6682, 6686, 6687, 6696, 6700, 6704, 6705, 6708, 6711, 6714, 6724, 6725, 6726, 6730, 6746, 6749, 6755, 6760, 6770, 6777, 6780,</p>

		<p>6781, 6787, 6790, 6796, 6798, 6801, 6802, 6803, 6804, 6808, 6809, 6810, 6811, 6814, 6817, 6820, 6821, 6825, 6827, 6830, 6831, 6835, 6839, 6840, 6843, 6845, 6846, 6851, 6855, 6856, 6861, 6863, 6864, 6865, 6868, 6869, 6878, 6882, 6885, 6886, 6890, 6899, 6901, 6904, 6906, 6907, 6913, 6915, 7467</p> <p>Electronic Files:</p> <p>Agenda Annual Bd. Meeting, SSC Board Minutes 5.5.11, Staff meeting November 13, 2007</p>
Non-Plaintiff patient names	HIPAA	<p>Bates Numbered Pages:</p> <p>SSC-7606-11, 7674-75, 7678-80, 7683-84, 7686-87, 7724-25, 7727-33, 7738-46, 6064, 6065, 6088-6101, 6125, 6535, 6567, 6570, 6591, 6632, 6643, 6745, 6894</p>
Email from counsel re: consulting expert; Response email from Mark Lee, MD with question for consulting expert.	Attorney-Client Privilege; Work Product Doctrine	<p>Bates Numbered Pages:</p> <p>SSC-7748, 7749, 7688</p>
Email from Leanne Sietsema (SSC employee) with question for counsel; response email from Kim Bowlin conveying advice or information from counsel.	Attorney-Client Privilege; Work Product Doctrine	<p>Bates Numbered Pages:</p> <p>SSC-07747</p>

Daily updates from Kim Bowlin to Calisher & Associates conveying advice or information from counsel.	Attorney-Client Privilege; Work Product Doctrine; Common Interest Privilege	Bates Numbered Pages: SSC-7751, 7754, 7757, 7626, 7630, 7633, 7640-41, 7643, 7649, 7652, 7658, 7667, 7671
Email from counsel to Kim Bowlin forwarded to Dr. Lister containing advice or information from counsel.	Attorney-Client Privilege; Work Product Doctrine	Bates Numbered Pages: SSC-07689
Information in Continuous Quality Improvement Reports attached to January 25, 2013 email (SSC-7697), including sensitive and irrelevant financial information regarding equipment repairs; results of nursing chart audits for October-December 2012 and corrective action; reported post-operative infection, investigation, and corrective action; results of patient satisfaction surveys; incident reports from patient procedures and corrective action; results of study on efficient use of surgical supplies and corrective action; information or advice conveyed by Jim Howell, attorney at SVMIC, to Kim Bowlin (SSC-07713); information and advice from counsel (SSC-07718).	Financial Information; Quality Improvement Privilege, Tenn. Code Ann. § 68-11-272; Attorney-Client Privilege; Work Product Doctrine; Insurer/Insured Privilege	Bates Numbered Pages: SSC-7698-721

Report from a May 2011 incident regarding HIPAA in a non-pain management patient including the results of the investigation and corrective action.	Quality Improvement Privilege, Tenn. Code Ann. § 68-11-272	Bates Numbered Pages:  SSC-7734-35
Email exchange between counsel, Dr. Ivey (SSC member), Dr. Lister, and Leanne Sietsema in June 2013 containing advice or information from counsel.	Attorney-Client Privilege; Work Product Doctrine	Bates Numbered Pages:  SSC-7793-7795
Email from counsel to Kim Bowlin forwarded to Dr. Ivey containing advice or information from counsel.	Attorney-Client Privilege; Work Product Doctrine	Bates Numbered Pages:  SSC-7791
Email from counsel to Jim Howell, Ken Rucker, Jim Trimbach, Jeff Woods, Drs. Culclasure, Lanford, Lister, and Scott Butler containing advice or information from counsel regarding letter to Mary Kennedy at TN DoH.	Attorney-Client Privilege; Work Product Doctrine	Bates Numbered Pages:  SSC-7858
Email from counsel to Kim Bowlin, Jean Atkinson, and Dr. Lister containing advice or information from counsel and attaching a draft letter prepared by counsel.	Attorney-Client Privilege; Work Product Doctrine	Bates Numbered Pages:  SSC-7864-7867



Email from counsel to Jean Atkinson, Drs. Culclasure, Lanford, and Lister regarding request for grand jury appearance from John Claud containing advice or information from counsel.	Attorney-Client Privilege; Work Product Doctrine	Bates Numbered Pages:  SSC-7869
Email from Jean Atkinson to counsel and Kim Bowlin requesting advice regarding email from Dr. Kainer.	Attorney-Client Privilege; Work Product Doctrine	Bates Numbered Pages:  SSC-07817
Email from Jean Atkinson to counsel regarding request for information regarding Donald McDavid from Cookeville Regional Medical Center.	Attorney-Client Privilege; Work Product Doctrine	Bates Numbered Pages:  SSC-7823
Email from counsel to Dr. Lister conveying advice or information regarding forwarded email exchange between Debra Schamberg and Dr. Kainer.	Attorney-Client Privilege; Work Product Doctrine	Bates Numbered Pages:  SSC-7832
Email from Kim Bowlin to counsel, Jeff Woods, Gina Calisher, Ron Calisher, Kevin Calisher, Brandon Kowarsky, and Drs. Simpson, Lister, Ivey, Fox, Lee, Nichols, and Pick regarding subpoena from U.S. Attorney's office.	Attorney-Client Privilege; Work Product Doctrine	Bates Numbered Pages:  SSC-7842

Email from Kim Bowlin to counsel, Jeff Woods, Gina Calisher, Ron Calisher, Kevin Calisher, Brandon Kowarsky, and Drs. Simpson, Lister, Ivey, Fox, Lee, Nichols, and Pick regarding letter from TN DoH about restarting injections.	Attorney-Client Privilege; Work Product Doctrine	Bates Numbered Pages:  SSC-7845
Email from Kim Bowlin to counsel, Jeff Woods, Drs. Simpson, Lister, Ivey, Fox, Lee, Nichols, and Pick regarding CDC conference call.	Attorney-Client Privilege; Work Product Doctrine	Bates Numbered Pages:  SSC-7847
Email exchange between counsel, Kim Bowlin to counsel, Jeff Woods, Gina Calisher, Ron Calisher, Kevin Calisher, Brandon Kowarsky, Drs. Simpson, Lister, Ivey, Fox, Lee, Nichols, and Pick regarding status of various patients, including some non-Plaintiff patients.	Attorney-Client Privilege; Work Product Doctrine; HIPAA	Bates Numbered Pages:  SSC-7849-7850
Email exchange between counsel and Jean Atkinson following forwarded email from Dr. Kainer regarding restarting injections.	Attorney-Client Privilege; Work Product Doctrine	Bates Numbered Pages:  SSC-7851
Email from Kim Bowlin to Dr. Ivey conveying advice or information from counsel.	Attorney-Client Privilege; Work Product Doctrine	Bates Numbered Pages:  SSC-7791-7792

Three clinic reports from TN DoH with non-Plaintiff patient information redacted.	HIPAA	Bates Numbered Pages: SSC-7812-7816, 7826-7830, 7836-7841
Report titled CQI Summary of Aspects of Care, QA, Compliance and Risk Management 2012 - The report is a summary of numerous quality improvement activities, including adverse outcomes and chart reviews related to adverse outcomes; internal peer reviews of charts; chart audits for documentation compliance; notes regarding in-service education for staff; checks for expired supplies and drugs; medical staff appointments and disciplinary issues; infection control incidents; patient survey results; and the results of benchmarking studies regarding medication supplies.	Quality Improvement Privilege, Tenn. Code Ann. § 68-11-272	Bates Numbered Pages: SSC-7796-7809
Email from Jean Atkinson to Kim Bowlin with update on status of various patients, including non-Plaintiffs.	HIPAA	Bates Numbered Pages: SSC-7831
Email from counsel to Dr. Fox regarding collecting email account from Covenant Health server.	Attorney-Client Privilege; Work Product Doctrine	Bates Numbered Pages: SSC-7853

Email from Kim Bowlin to Drs. Ivey, Simpson, Lister, Fox, Lee, Pick, and Nichols conveying information or advice from phone call with counsel.	Attorney-Client Privilege; Work Product Doctrine	Bates Numbered Pages:  SSC-7857
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Respectfully submitted,

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\* Admitted pursuant to MDL Order No. 1

\*\* Admitted *pro hac vice*.

**CERTIFICATE OF SERVICE**

I hereby certify that on the 12<sup>th</sup> day of September, 2016, a true and accurate copy of the foregoing was served on the following by electronic mail.

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/s/ Matthew H. Cline  
**Matthew H. Cline**